

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Appropriating Gaming Savings for Tohono O'odham Ki:Ki Association
Operations in Fiscal Years 2021-2024)

RESOLUTION NO. 21-103

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation ("Nation") vests the Legislative
2 Council with the power to enact laws "to promote, protect and provide for public
3 health, peace, morals, education and general welfare of the Tohono O'odham
4 Nation and its members" and to "manage any funds within the exclusive control
5 of the Tohono O'odham Nation, and to appropriate these funds for the benefit of
6 the nation and its members" (Constitution, Article VI, Section 1(c)(2) and Section
7 I(d)(2)); and

8 **WHEREAS,** the Tohono O'odham Ki:Ki Association ("TOKA") is the Nation's tribally
9 designated housing entity in accordance with the Native American Housing
10 Assistance and Self-Determination Act of 1996, 25 U.S.C §4101, et seq., P.L. 104-
11 330, 110 Stat. 4016 ("NAHASDA")(18 Tohono O'odham Code Chapter 1); and

12 **WHEREAS,** the Nation receives its share of annual NAHASDA funding through the Indian
13 Housing Block Grant ("IHBG") formula, which is designated to the TOKA to
14 provide well constructed and affordable homes for the Nation's members (18
15 Tohono O'odham Code Chapter 1); and

16 **WHEREAS,** TOKA aggressively seeks additional sources of funds other than the IHBG funds to
17 leverage and develop housing projects; and

18 **WHEREAS,** despite the annual funding provided by NAHASDA and the TOKA's dedicated and
19 continued efforts to seek competitive grant opportunities, the TOKA still faces
20 significant need for housing for which these sources cannot provide; and

21 **WHEREAS,** the need for additional housing for families with extremely low incomes and over
22 income families has been a priority for the Nation's leadership, but finding
23 sources of revenue to support housing efforts has also been difficult; and

24 **WHEREAS,** TOKA has consulted with each of the Nation's districts in accordance with 26
25 Tohono O'odham Code Chapter 1, Article 3, Section 1301(A); and

26 **WHEREAS,** the Housing and Budget and Finance Committees have reviewed and recommend
27 approval of the TOKA's annual appropriation request.

28 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council appropriates
29 \$5 million annually from gaming savings for fiscal years 2021-2024 to TOKA to
30 support its operations, provided that:

- 31 (1) Payment of \$5,000,000 will be transferred from the Nation to TOKA on May
32 1, 2021, October 1, 2021, October 1, 2022, and October 1, 2023 after the
33 TOKA has satisfied the requirements of 18 Tohono O'odham Code Chapter
34 1, Article XII, and the Nation's treasurer certifies in writing that sufficient

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1 funds are available in the gaming savings account to meet all other
2 pending obligations.

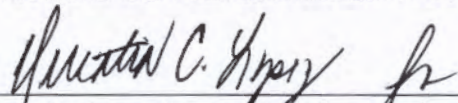
3 (2) Funds will be wired to TOKA's account on the dates set forth above without
4 further Tohono O'odham Legislative Council action, provided that all
5 funds shall remain assets of the Nation until transferred to TOKA.

6 (3) Pursuant to 26 Tohono O'odham Code Chapter 1, Article 3, Section 1301(A),
7 TOKA shall consult the Nation's districts before requesting another multi-
8 year gaming savings funding request to the Legislative Council
9 committees and Legislative Council.

10 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the TOKA shall
11 provide to the Housing and Budget and Finance Committees upon request, any
12 TOKA financial records or reports for which disclosure is not prohibited by law
13 and shall make an annual financial and operational report, including a detailed
14 expenditure report, to the Legislative Council in accordance with 18 Tohono
15 O'odham Code Chapter 1, Article XII.

16 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH
17 day of APRIL, 2021 at a meeting at which a quorum was present with a vote of 2,217.3 FOR; 744.6
18 AGAINST; 213.8 [01] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council
19 by Article VI, Section 1(c)(2) and Section 1(d)(2) and (d)(3) of the Constitution of the Tohono
20 O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by
21 the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant
22 to Section 16 of the Act of June 18, 1934 (48 Stat.984).

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24
25 TOHONO O'ODHAM LEGISLATIVE COUNCIL

26
27 
28 _____
29 Timothy Joaquin, Legislative Chairman

30 12 day of April, 2021

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33 ATTEST:

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35 _____
36 Evonne Wilson, Legislative Secretary

37 8 day of April, 2021

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40 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
41 O'odham Nation on the 13 day of April, 2021 at 12:55 o'clock, p.m.,
42 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
43 effective upon his approval or upon his failure to either approve or disapprove it within 48
44 hours of submittal.
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy C. Joaquin
Timothy Joaquin, Legislative Chairman

APPROVED

on the 13 day of April, 2021

DISAPPROVED

at 2:20 o'clock, P.m.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 13 day of

April, 2021, at 3:30 o'clock, P.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPROPRIATING GAMING SAVINGS FOR TOHONO O'ODHAM KI:KI ASSOCIATION OPERATIONS IN FISCAL YEARS 2021-2024

Moved: COUNCILWOMAN MONICA K. MORGAN

SECOND: COUNCILWOMAN VICTORIA HOBBS

DATE: APRIL 06, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GU ACHI 279.3	1. VICTORIA HOBBS ()	139.65	X			
	2. TIMOTHY L. JOAQUIN (<i>Absent</i>) (Louis L. Johnson) (<i>Present</i>)	139.65	X			X
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25		X		
	2. GRACE MANUEL ()	132.25		X		
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90			X	
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90			X	X
PISINEMO 230.7	1. MONICA K. MORGAN ()	115.35	X			
	2. MARIETTA MARTIN ()	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ()	117.80		X		
	2. JANA MONTANA (Lorraine M. Eiler)	117.80		X		
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			X
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55	X			
	2. ARTHUR WILSON ()	273.55	X			
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25		X		
	2. MARY LOPEZ (Ann M. Garcia)	122.25		X		
TOTAL		3,175.7	2,217.3	744.6	213.8	[03]
					[01]	